

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-297-RJC-DCK**

SHERRY L. FUTRELL,)	
)	
Plaintiff,)	
)	
v.)	
)	<u>ORDER</u>
)	
MICHAEL J. ASTRUE, Commissioner, Social Security Administration)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court on Defendant Michael J. Astrue's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to the Defendant. (Doc. No. 16). Sentence Four of 42 U.S.C. § 405(g) states: "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing."

In support of his unopposed Motion, Defendant states that "[u]pon remand, the administrative law judge ("ALJ") will be directed to reevaluate the opinion of Dr. Amalia Falcon and evaluate the opinion of Patrick Clifford, Ph.D. As warranted, the ALJ will reassess the claimant's Residual Functional Capacity and obtain supplemental vocational expert evidence." (Doc. No. 16 at 1). Therefore, Defendant requests that this Court enter an Order and Judgment reversing Defendant's decision and remanding this case to the Commissioner for further administrative proceedings. (Id. at 1-2). Plaintiff is unopposed to Defendant's Motion. (Id. at

2). For the reasons stated in Defendant's Motion, the Court will grant Defendant's Motion for Judgment and Remand.

Defendant further states that “[i]n light of Defendant's determination that reversal and remand is appropriate, no response to Plaintiff's summary judgment motion will be filed.” (*Id.* at 2). Because this matter is hereby remanded to the Commissioner, Plaintiff's Motion for Summary Judgment, (Doc. No. 12), is moot and shall be dismissed.

IT IS, THEREFORE, ORDERED that, for good cause shown:

1. Defendant's unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to the Defendant, (Doc. No. 16), is **GRANTED**;
2. Plaintiff's Motion for Summary Judgment, (Doc. No. 12), is **DISMISSED** as moot; and
3. The Clerk of Court is directed to close this case.

Signed: January 15, 2013



Robert J. Conrad, Jr.
Chief United States District Judge
